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5 CITY OF WHITTIER

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8 BEFORE THE STATE WATER RESOURCES CONTROL BOARD
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11 In the Matter of the Petition of
12 THE CITY OF WHITTIER – SAVAGE
CANYON LANDFILL
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PETITION FOR REVIEW
[Water Code § 13320 and Title 23,
CCR § 2050, et seq.]

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1 Petitioner, the City of Whittier ("City"), respectfully petitions the State Water
2 Resources Control Board ("State Board") to review and revise those Waste Discharge
3 Requirements ("WDRs" or "Order") issued to the City of Whittier for the Savage Canyon
4 Landfill ("Landfill"), through a yet to be numbered resolution of the California Regional
5 Quality Control Board, Los Angeles Region ("Regional Board"), issued on October 24,
6 2006. The City petitions for the deletion of all requirements that concern or relate to those
7 portions of the WDRs ordering that "the groundwater monitoring network [for the
8 Landfill] be revised to include groundwater monitoring downgradient of the landfill," and
9 for compliance by the Regional Board with the California Environmental Quality Act
10 ("CEQA").

11 The subject Petition is brought to challenge this requirement of downgradient
12 groundwater monitoring, on the following grounds:

13 (1) There was a lack of substantial evidence in the record, and a lack of
14 findings to support the Regional Board's determination to require downgradient
15 groundwater monitoring;

16 (2) The Regional Board failed to consider the costs versus the benefits of
17 requiring the installation of downgradient groundwater monitoring, in violation of
18 Water Code section 13267 and 13225(c), and failed to consider the "economic"
19 impacts of such a requirement, in violation of Water Code sections 13241 and
20 13000; and

21 (3) The Regional Board failed to comply with the requirements of the
22 California Environmental Quality Act ("CEQA"), Public Resources Code ("PRC")
23 sections 21000, *et. seq.*, and the regulations thereunder, by failing to conduct an
24 appropriate environmental review to identify the potentially significant adverse
25 environmental impacts created by ordering downgradient monitoring, and by failing
26 to consider feasible alternatives and mitigation measures, as required by CEQA.

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The City is challenging the Regional Board's issuance of WDRs for the Landfill, issued on October 24, 2006, and specifically the requirement for downgradient groundwater monitoring. Although the final WDRs have not yet been made available, the tentative resolution, which is believed to have been the final resolution setting forth the new WDRs issued by the Regional Board for the Landfill, is attached hereto and marked as Exhibit "1." The City is seeking review of those portions of the Order requiring that the "groundwater monitoring network be revised to include groundwater monitoring

1 downgradient of the landfill,” and all related terms and provisions associated with such
2 requirement. The City is also seeking review of the Regional Board’s actions in failing to
3 comply with CEQA.

4 **3. The Date of the Regional Board’s Action.**

5 The Regional Board approved the challenged Order that is the subject of this
6 Petition on October 24, 2006.

7 **4. Statement of Reasons the Action of the Regional Board Was**
8 **Inappropriate and Improper.**

9 (a) First, the Regional Board abused its discretion and made an arbitrary
10 and capricious decision that was not supported by substantial evidence in the record, when
11 it issued WDRs requiring downgradient groundwater monitoring of the Landfill, and,
12 when it required such monitoring without identifying the number of monitoring wells or
13 the frequency of monitoring.

14 In a letter dated November 8, 1993 from the Regional Board to the City, a copy of
15 which was included in the City of Whittier’s comment letter dated September 21, 2006 to
16 the Regional Board (the comment letter and all attachments are attached hereto and
17 collectively marked as Exhibit “2”), the Regional Board made the following findings:

- 18 1. **Ground water beneath this site is limited to the area north of**
19 **the Whittier Fault zone which traverses the northerly section**
20 **of this site and appears to act as a barrier to downgradient and**
21 **down-canyon ground water movement. All ground water**
22 **monitoring wells, borings and gas probes completed**
23 **downgradient of this fault zone are dry. The site lies adjacent to**
24 **the Whittier oil field.**
- 25 2. During one sampling period (July 1992) there was sufficient fluid
26 obtained from one downgradient lysimeter which made a
27 comparison to upgradient ground water quality possible. **Results**
28 **of the sampling indicated no volatile organic compounds**
 (VOCs) detected by EPA Method 624 in either the lysimeter or
 the upgradient ground water monitoring well.
- 3 No VOCs (EPA Method 8240), semi-volatiles (EPA Method
 6270), or organopesticides and polychlorinated biphenyls (PCBs)
 (EPA Method 8080) were detected during 12 quarters of analyses
 of the upgradient ground water monitoring wells, with the
 exception of acetone (180 mg/L), perchloroethylene (2.8 mg/L),
 toluene (6 mg/L), and total xylenes (4 pg/L), in concentrations

below the State Department of Health Services' Maximum Contaminant Levels (MCLs):

<u>Constituent</u>	<u>MCL</u>
acetone	no MCL
perchloroethylene	6 mg/L
toluene	100 mg/L
total xylenes	1750 mg/L

4. Concentrations of total dissolved solids (TDS) (up to 2310 mg/L), sulfate (up to 2600 mg/L), and chloride (up to 492 mg/L) in the upgradient ground water monitoring wells are within the water quality protection standards (WQPS) determined for this site.

<u>Constituent</u>	<u>WQPS</u>
TDS	5000 mg/L
sulfate	3000 mg/L
chloride	500 mg/L
Boron	2.0 mg/L

Upgradient boron concentrations (range 4.1-4.8 mg/L) exceed the WQPS. However, concentrations of boron detected in the upgradient ground water monitoring wells are generally consistent and probably represent true background conditions for the site.

5. No heavy metals were detected in the upgradient ground water monitoring wells in concentrations which exceed primary MCLs, with the exception of chromium (up to 0.22 mg/L). The MCL for chromium is .05 mg/L.

Manganese (up to 0.22 mg/L) and iron (up to 1.2 mg/L) concentrations in the upgradient ground water monitoring wells exceeded secondary MCLs, which are based upon aesthetic characteristics of taste and smell (.05 mg/L and 0.3 mg/L, respectively).

The concentrations of these metals detected in the upgradient ground water monitoring wells probably represent true background conditions for the site.

There are no metals data available for the downgradient wells since they are dry, and there was insufficient volume obtained from the soil lysimeters to analyze for metals.

(See November 8, 1993 letter from the then Executive Officer of the Regional Board, to the City of Whittier, attached to the comments submitted to the Regional Board by the City, Exhibit "2"; emphasis added.)

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1 Accordingly, as found by the Regional Board's Executive Officer, where
2 groundwater has been discovered in the past, it has been found *"to the area north of the*
3 *Whittier Fault zone which traverses the northerly section of the site and appears to act*
4 *as a barrier to downgradient and down-canyon ground water movement."* Further, as
5 found by the Regional Board through its Executive Officer, *"[a]ll ground water*
6 *monitoring wells, borings and gas probes completed downgradient of this fault zone are*
7 *dry."*

8 Also see the City's comments attached as Exhibit "2," "[a]ll of the monitoring wells
9 and lysimeters installed south of these [Whittier fault] splays have been dry since their
10 installation." As further discussed in these comments, in July 1992, one of the four
11 lysimeters yielded a small amount of fluid, sufficient only for sampling for VOCs.
12 However, no VOCs were found at that time and the lysimeter has been dry before and
13 since that event. (Exhibit "2," p. 2.) No evidence has been presented and none exists to
14 show that there is groundwater beneath the Landfill, or that downgradient groundwater
15 sampling is even possible. And, in fact, the evidence is to the contrary.¹

16 Moreover, although the Landfill was expanded since 1988, the expansion was five
17 years *before* the Regional Board's letter of November 1993, which letter confirmed the
18 fact that downgradient groundwater monitoring was not viable because of the lack of
19 groundwater. Further, as the Regional Board is well aware of the expanded area of the
20 Landfill, it is equipped with a liner, a leachate control system, and a storm drain system.
21 The liner and leachate control system would prevent contamination of existing
22 groundwater. The storm drain system also minimizes rain water infiltration into the
23 disposal area.

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26 ¹ The only referenced finding in the Order to the claimed existence of groundwater
27 beneath the Landfill is Finding No. 13, which asserts that because the SWAT investigation
28 monitoring wells, borings and gas probes completed in the front face of the Landfill *"were*
dry," that such indicated a "deep groundwater table." The finding is contradictory and
counter intuitive, and no evidence supports the existence of groundwater beneath the
Landfill.

1 The expanded area of the Landfill is further separated by a shear zone that operates
2 to prevent any sub-surface water from the expanded area from entering the older, unlined
3 portion of the Landfill. Also, with the exception of the southernmost area of the Landfill,
4 exposed alluvial and colluvial deposits were removed prior to landfilling and was replaced
5 with artificial fill consisting of silts and clays – materials not conducive to groundwater
6 flow. In addition, the Department of Water Resources has classified the rock material
7 under the Landfill as non-water bearing.

8 This is not the first time the Regional Board has sought needless downgradient
9 monitoring only to in fact cause the waste of significant funds for the installation of dry
10 monitoring wells. The story that is unfolding at this time is a virtual replay of what
11 occurred in 1988. In 1988, a downgradient monitoring well was attempted to be installed,
12 at considerable cost to the City, but bedrock was encountered at approximately 239 feet
13 below the surface. The well was thus not successfully installed due to the existence of the
14 bedrock. Further, no groundwater was encountered in the drilling of the attempted well
15 down to 239 feet. As a result of the lack of groundwater beneath the Landfill and the lack
16 of evidence of contamination migrating from the Landfill into groundwater, the Regional
17 Board proceeded to eliminate the requirement for downgradient sampling, finding that *“the*
18 *Savage Canyon Landfill has had no adverse impact on the limited ground water*
19 *resources at the site or their beneficial uses.”* (See November 8, 1993 letter enclosed
20 with Exhibit “2,” p. 2, emphasis added.)

21 In light of the prior experience with the attempted downgradient monitoring, the
22 previous WDRs issued in February of 2000 for the Landfill (see Exhibit “3”), in fact, did
23 not require downgradient groundwater monitoring.

24 Further, with the recently issued WDRs, the Regional Board has not taken into
25 consideration that beneath the unlined portions of the Landfill, there is impermeable
26 material, i.e. bedrock, which will make it exceedingly difficult to install any groundwater
27 monitoring well deep enough, i.e., beyond the 239 feet achieved some 19 years ago.
28 Accordingly, to install downgradient monitoring wells into sheer bedrock, where

1 groundwater is not believed to exist, and where there is no evidence of contamination from
2 the Landfill, is unreasonable and without support.

3 The Regional Board acted arbitrarily and capriciously, and abused its discretion by
4 issuing an Order requiring the monitoring of downgradient groundwater from the Landfill,
5 where no groundwater and no contamination have been shown to exist.

6 (b) Second, the high cost of installing even a single groundwater
7 monitoring well downgradient of the site, into bedrock to attempt to locate and sample
8 groundwater, is evident. The benefits of installing such a groundwater monitoring well or
9 wells are, moreover, questionable at best, in light of the lack of groundwater beneath the
10 site or the existence of any evidence of contamination from the Landfill. Yet, the Regional
11 Board failed to consider the costs and economic impacts, as well as the lack of benefits
12 from installing the downgradient groundwater monitoring well.

13 (c) Third, when issuing the WDRs, the Regional Board failed to conduct
14 any environmental review, as required by CEQA. There are no findings showing any
15 consideration of the potentially significant adverse environmental impacts, and there is no
16 evidence otherwise that the Regional Board conducted any from of environmental review
17 when issuing the WDRs. Nor did the Regional Board rely upon any exemption from
18 CEQA when issuing the WDRs. To add to this, there are concerns with potentially
19 significant adverse environmental impacts from the installation of any downgradient
20 monitoring wells, since, as referenced in the City's comment letter attached as Exhibit "2,"
21 the groundwater in a well within the area "was found to be adversely affected by
22 petroleum hydrocarbons in the form of crude oil, which is found in the oil-bearing
23 sandstones of the adjacent Whittier oil field. They manifest within the canyon as active oil
24 and tar seeps occurring along fault lines and bedding planes." (Exhibit "2," p. 2.)

25 Thus, the potential for cross-contamination and other adverse environmental
26 impacts from such a groundwater monitoring well or wells, were not analyzed by the
27 Regional Board, as required by CEQA.

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1 **5. The Manner In Which The City Has Been Aggrieved.**

2 The City is aggrieved with the issuance of the subject Order in that the WDRs
3 wrongly require the installation of downgradient groundwater monitoring wells at
4 significant expense to the City, without any justification for the requirement to install such
5 wells, and without any evidence that groundwater even exists beneath the Landfill.² Also,
6 the Order was issued without any evidence that any form of contamination is leaking from
7 the Landfill, and/or will have impacted such non-existent groundwater. Further, no
8 consideration was given to the costs and benefits of downgradient groundwater
9 monitoring, or the environmental impacts from the installation and continued monitoring
10 of such wells. Finally, the Order was issued without any indication of the number of wells
11 to be installed or the suggested locations of the wells.

12 **6. The Specific Action Requested of the State Board With This Petition.**

13 The City respectfully requests that the State Board revise the WDRs to delete all
14 references and requirements in the Order concerning downgradient groundwater
15 monitoring from the Landfill, and that the Regional Board otherwise be directed to comply
16 with the requirements of CEQA.

17 **7. A Statement of Points and Authorities In Support of the Legal Issues**
18 **Raised In This Petition.**

19 **(a) Substantial Evidence In the Record Does Not Support the**
20 **Requirement Of Downgradient Monitoring, and the Regional**
21 **Board Acted Arbitrarily and Capriciously, and Abused Its**
22 **Discretion, In Imposing Such A Requirement.**

23 This Petition has been brought pursuant to Water Code section 13320, within 30
24 days of the date of the action taken by the Regional Board on October 24, 2006, on the

25 ² In light of the complete lack of evidence that would in any way support the Regional
26 Board's demand for downgradient groundwater monitoring, and given the substantial
27 evidence that has already been generated which shows that groundwater is likely non-
28 existent beneath the Landfill, the City questions the motivation of the Regional Board in
requiring downgradient groundwater monitoring, particularly in light of concerns
previously expressed by Regional Board Members over storm water litigation commenced
against the Regional Board by various municipalities, including litigation filed on behalf of
the City of Whittier.

1 grounds that the Regional Board acted inappropriately and improperly when it included a
2 requirement to install groundwater monitoring wells downgradient from the Landfill, even
3 though groundwater had been found to be virtually non-existent beneath the Landfill, and
4 even though there is no evidence any contaminants of concern exist or are migrating from
5 the Landfill and creating a potential threat to groundwater within the area. Further, the
6 Regional Board acted arbitrarily and capriciously in failing to identify the number of wells
7 to be installed, and by failing to identify the proposed locations of the wells.

8 The Regional Board's Order is also improper and inappropriate, and the Regional
9 Board abused its discretion and has not proceeded in a manner required by law, as the
10 Order does not contain findings supporting the need for downgradient groundwater
11 monitoring, and as the evidence does not support the need for the requirements to install
12 and monitor downgradient groundwater monitoring wells. (See Water Code § 13320(c)
13 and Code of Civil Procedure § 1094.5(b).)

14 **(b) The Regional Board Failed to Comply With the "Cost/Benefit"**
15 **and "Economic" Analyzes Required by State Law.**

16 In addition, as the cost to install even a single groundwater monitoring well to 239
17 feet or more, through bedrock, is excessive, and as the benefits to be obtained from the
18 installation of such a well have not been identified by the Regional Board, particularly in
19 light of the fact that groundwater has not been shown to exist beneath the Landfill, and
20 since no contamination has been found to be migrating from the Landfill into any
21 groundwater, the Regional Board failed to comply with the cost/benefit requirements of
22 Water Code sections 13267 and 13225, and the requirement to consider "economics"
23 before adopting such WDRs, as required by Water Code sections 13241 and 13000.

24 Specifically, Water Code section 13267, provides that when reviewing or
25 establishing WDRs and requiring the discharger to conduct monitoring and submit
26 monitoring reports, that a cost/benefit analysis be performed. Said section provides, in
27 relevant part, that:

28 The burden, including costs, of these reports shall bear a reasonable
relationship to the need for the report and the benefits to be obtained

1 from the reports. In requiring those reports, the regional board shall
2 provide the person with a written explanation with regards to the need
3 for the reports, and shall identify the evidence that supports requiring
4 that person to provide the report. (Water Code § 13267(b)(1).)

5 In spite of the excessive costs to comply with the requirement to install
6 downgradient groundwater monitoring wells into bedrock, and to regularly sample those
7 wells, the Regional Board failed to make any findings showing that the costs of this work
8 and reporting, bear a reasonable relationship to the need for the same. The Regional Board
9 further failed to provide the City with a written explanation with regard to the need for the
10 monitoring and reporting, and failed to identify any evidence to support the need for such
11 wells.

12 Moreover, under Water Code section 13225(c), because the City is a local agency,
13 prior to imposing a monitoring and reporting obligation upon the City, the Regional Board
14 was again required to have conducted a cost/benefit analysis. Water Code section
15 13225(c) provides that each regional board shall:

16 (c) Require as necessary any state or local agency to investigate and
17 report on any technical factors involved in water quality control or to obtain
18 and submit analyses of water; provided that the burden, including costs, of
19 such reports shall bear a reasonable relationship to the need for the report
20 and the benefits to be obtained therefrom. (Water Code § 13225(c).)

21 The Regional Board failed to comply with the requirements of Water Code section
22 13225, as well as section 13267, and its actions are improper, inappropriate and contrary to
23 law. No findings were made showing compliance with said sections and no evidence
24 exists in the record showing compliance.

25 In addition, under Water Code sections 13241(d) and 13000, the Regional Board
26 was required to consider “economics,” and particularly the “cost of compliance” with the
27 WDRs, before issuing the same. (See Water Code § 13241(d), requiring the Regional
28 Board, through Water Code § 13267, to take into account “economic considerations”
before adopting WDRs, and Water Code § 13000, again requiring the consideration of
“economics,” along with other considerations.)

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1 For example, in *City of Burbank v. State Water Resources Control Board* (2005) 35
2 Cal.4th 613, the California Supreme Court found that under Water Code section 13241,
3 when issuing a National Pollutant Discharge Elimination (“NPDES”) Permit, the “cost of
4 compliance” with such a permit’s terms must be considered by the Regional Board, unless
5 the permit requirements are required by the Federal Clean Water Act (33 USC 1251, *et*
6 *seq.*). (*Id.* at 625.) Here, the subject WDRs have *not* been issued to comply with any
7 Clean Water Act requirements, and as such the “cost of compliance” with the WDRs,
8 specifically the installation and monitoring of one or more downgradient wells, was to
9 have been considered by the Regional Board. There is no evidence in the record showing
10 the Regional Board considered the “cost of compliance.”

11 (c) **The Regional Board Failed to Comply With CEQA.**

12 Finally, in spite of evidence in the record of groundwater quality in the area being
13 adversely affected by petroleum hydrocarbons, in the form of crude oil, which is found in
14 the oil-bearing sandstone of the adjacent Whittier oil field (Exhibit “2,” p. 2), and in spite
15 of the fact that the canyon has active oil and tar seeps occurring along fault lines and
16 bedding planes, the Regional Board failed to consider the potentially significant adverse
17 environmental impacts that may result from installing such monitoring wells as deep as
18 239 feet or more below the surface of the ground and into bedrock downgradient from the
19 Landfill.

20 With the adoption of CEQA, the California Legislature found and declared that
21 “this division is an integral part of any public agency’s decision-making process,
22 including, but not limited to, the *issuance of permits*, licenses, certificates” (PRC
23 § 21006; emphasis added.) CEQA requires all levels of California government to identify
24 and analyze the affects of projects on the environment, and to minimize potential adverse
25 affects through feasible mitigation measures or the selection of feasible alternatives.
26 (*Sierra Club v. State Bd. of Forestry* (“*Sierra Club*”) (1994) 7 Cal.4th 1215, 1233.)

27 In fact, CEQA contains a “substantive mandate” that public agencies are to refrain
28 from approving projects with significant environmental impacts if “there are feasible

1 alternatives or mitigation measures available which would substantially lessen” or avoid
2 those effects. (*Mountain Lion Foundation v. Fish & Game Com.* (“*Mountain Lion*”)
3 (1997) 16 Cal.4th 105, 134.)

4 Moreover, no argument has been made by the Regional Board that any exemption
5 from CEQA applies. There are no findings by the Regional Board that this Order is
6 exempt from CEQA, and there is no evidence in the record that any exemption would
7 apply. Even Water Code section 13389, which exempts a water board from compliance
8 with Chapter 3 of CEQA, to the extent the action taken is required by the Clean Water Act,
9 does not apply in this case, since no NPDES Permit is required or being issued with these
10 WDRs. This was precisely the case, in *Committee for a Progressive Gilroy v. State Water*
11 *Resources Control Bd.* (“Clay”) (1981) 192 Cal.App.3d 847.

12 In Gilroy, the plaintiff brought suit arguing the Respondent Water Boards had failed
13 to comply with CEQA when establishing WDRs for the operation of a municipal sewage
14 treatment facility. The Court sustained the trial court’s denial of the writ of mandate on
15 the grounds that CEQA had been complied with because there, the reestablishment of
16 WDRs within previously approved levels, was found not to be a new project subject to a
17 new environmental impact report, and because the prior WDRs had been adopted after an
18 EIR had been prepared. However, in response to the City’s argument that Water Code
19 section 13389 exempted the project from CEQA compliance, the Court rejected the
20 argument, and held that:

21 **The challenged orders here were issued under the exclusive**
22 **authority of the Porter-Cologne Act and were not required**
23 **by the Federal Water Pollution Control Act. The cities do**
24 **not contend otherwise. By terms of the statutes read as a**
whole, the exemption under Water Code section 13389
simply does not apply in this case, a point conceded by the
boards. (*Id.* at 862; emph. added.)

25 In this case, in light of the evidence in the record of an adjacent Whittier oil field
26 and of active oil and tar seeps occurring on fault lines and bedding planes, there is a fair
27 argument that the installation of downgradient monitoring wells could result in potentially
28 significant adverse impacts. Such environmental impacts must be evaluated before any

1 downgradient groundwater monitoring requirement is adopted.

2 The Regional Board was required to have complied with CEQA at the time it issued
3 the WDRs, but failed to do so.

4 **8. A Statement That The Petition Has Been Sent To The Regional Board.**

5 With the submission of this petition to the State Board, a copy is simultaneously
6 being forwarded to the Executive Officer of the Regional Board.

7 **9. A Statement That The Substantive Issues/Objections Were Raised**
8 **Before the Regional Board.**

9 The substantive facts and bases of the claims asserted in this Petition challenging
10 the Regional Board's actions were raised to the Regional Board. Substantial evidence
11 exists in the record before the Regional Board on the lack of any groundwater beneath the
12 Landfill, thus showing the likely high cost of installing such wells, and the lack of any
13 evidence showing any potential for contamination from the Landfill into groundwater or
14 otherwise. Further, evidence was submitted on the existence of bedrock beneath the
15 Landfill, thus showing the likely high cost of installing such wells, as well as the lack of
16 any benefit from the requirement, in light of the lack of groundwater and the lack of
17 evidence of contamination.

18 In addition, comments were submitted indicating the existence of petroleum
19 hydrocarbons in the form of crude oil being found in the oil-bearing sandstone of the
20 adjacent Whittier oil field, and the existence of active oil and tar seeps occurring along
21 fault lines and bedding planes. Thus, the record shows that the installation of
22 downgradient monitoring wells may have potentially significant adverse impacts on the
23 environment.

24 The underlying concerns and facts supporting the claims set forth within this
25 Petition were raised with the Regional Board.

26 **10. Service of Petition.**

27 As set forth in the attached Proof of Service, this Petition is being served upon the
28 following parties via electronic mail and facsimile:

1 State Water Resources Board
2 Office of Chief Counsel
3 Attention: Elizabeth Miller Jennings, Senior Staff Counsel
4 1001 "I" Street, 22nd Floor
5 Sacramento, CA 95814-0100
6 Fax: (916) 341-5199
7 BJennings@swrcb.ca.gov

8 California Regional Quality Control Board
9 Los Angeles Region
10 Attention: Jonathan Bishop, Executive Officer
11 320 West 4th Street, Suite 200
12 Los Angeles, CA 90013
13 Fax: (213) 576-6625
14 JBishop@rb4.swrch.ca.gov

15 Respectfully submitted

16 RUTAN & TUCKER, LLP
17 RICHARD MONTEVIDEO

18 Dated: November 22, 2006

19 By: 
20 Richard Montevideo
21 Attorneys for Petitioner, City of Whittier
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1 **PROOF OF SERVICE BY FACSIMILE**

2 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

3 I am employed by the law office of Rutan & Tucker, LLP in the County of Orange,
4 State of California. I am over the age of 18 and not a party to the within action. My
5 business address is 611 Anton Boulevard, Fourteenth Floor, Costa Mesa, California 92626-
6 1931.

7 On November 22, 2006, I served on the interested parties in said action by
8 electronic mail (email) at the email addresses listed below with copies of the within:

9 **PETITION FOR REVIEW**

10 I also caused the above document(s) to be transmitted by facsimile machine,
11 telephone number 714-546-9035, pursuant to California Rules of Court, Rule 2005. The
12 total number of fax pages (including the Proof of Service form and cover sheet) that were
13 transmitted was 103. The facsimile machine I used complied with Rule 2003(3) and no
14 error was reported by the machine. Pursuant to Rule 2008(e), I caused the machine to print
15 a record of the transmission, a copy of which is attached to this declaration. Said fax
16 transmission occurred as stated in the transmission record attached hereto and was directed
17 as stated below.

18 State Water Resources Board
19 Office of Chief Counsel
20 Attention: Elizabeth Miller Jennings, Senior Staff Counsel
21 1001 "I" Street, 22nd Floor
22 Sacramento, CA 95814-0100
23 Fax: (916) 341-5199
24 BJennings@swrcb.ca.gov

25 California Regional Quality Control Board
26 Los Angeles Region
27 Attention: Jonathan Bishop, Executive Officer
28 320 West 4th Street, Suite 200
Los Angeles, CA 90013
Fax: (213) 576-6625
JBishop@rb4.swrch.ca.gov

29 Said document was also electronically mailed to each of the above referenced
30 parties at the email addresses listed below their facsimile number.

31 Executed on November 22, 2006, at Costa Mesa, California.

32 I declare under penalty of perjury under the laws of the State of California that the
33 foregoing is true and correct.

34 Cathryn L. Campbell
35 (Type or print name)

36 
37 (Signature)